

Appl. No. 10/823,829
Amdt. dated October 6, 2006
Reply to Office action of April 7, 2006

ARGUMENTS

Claims 1-16 are rejected and pending. Applicant has amended the specification and claims and respectfully requests reconsideration and withdrawal of all rejections.

The amendments made to the specification are proper for the reasons stated below regarding the rejections under 35 U.S.C. § 112. The abstract has been amended as requested by the Examiner to be less than 150 words.

Amended paragraph 3 defines "WPQ" as Work Profile Questionnaire and "PASAPT" as Poppleton Allen Sales Aptitude Test. Applicants submit that these terms were well known at the time of the filing of the application, and that no new matter has been added.

Responsive to the rejection of claims 1-16 under 35 U.S.C. § 112 as failing to comply with the written description requirement, Applicants submit the Declaration of co-inventor Snively and its attached documents which show that the definitions added by amendment in sections 16 and 24 were definitions both known and generally accepted in this field at the time of the filing of the present application. Specifically, the documents provided in the Exhibits to the Snively Declaration evidence the use of the definitions of competencies and attributes by those in this field at the time of the original application. Therefore, Applicants submit that the amendments to the specification do not constitute new matter, and therefore respectfully requests withdrawal of this rejection.

Responsive to the rejection of claims 1-3, 5-7, 9, and 11-13 under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent Publication No. 2002/0045154) to Wood et al., ("Wood") in view of U.S. Patent Publication No. 2004/0053203 to Walters et al. ("Walters"), Applicants submit that the Pfenninger Declaration, Snively Declaration, and Erdman Declaration show that Walters is not prior art to the present application. Specifically, Pfenninger states that the invention as disclosed in the attached document was in the possession of co-inventor Snively and the company Snively and co-inventor Evans (employees of Chorus, Inc. the assignee of the application) prior to the filing date of Walters. The Snively and Erdman declarations show the

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diligence of the inventors from before the date of the Walters filing to the filing of the present application. Therefore, Applicants submit that Walters is not prior art to the present application and that the rejections based upon Walters have been traversed.

Even if Walters were considered prior art to the present application, the invention is still patentable over the combination of Wood and Walters. Wood teaches a system that utilizes one or more instruments to measure the system user's characteristics in order to classify the person into a selected personality scheme and to match advice, content and other people with the user based upon the results of the instruments. (Paragraph 45 of Wood). The instruments provide questions to the user to obtain different types of data, including demographic data, psychographic data, personality data (including data that measures cognitive skills and competencies), life style and quality of life data, application specific data, behavioral data, declared preferences data, scenario based testing data and roll play based testing data. (Paragraphs 75 – 168 of Wood). The obtained data is then scored, standardized into alphanumeric representations and compared to personality models so that the user can be classified into a personality scheme. (Paragraph 81 of Wood).

While the personality instruments taught by Wood may be used to obtain data that measures one's skills and competencies, Wood does not disclose, teach or suggest that the instruments may be used to assess a plurality of *attributes* associated with at least one of a plurality of competencies. Combining the competencies of Woods with the testing of competencies to determine attributes by Walters as asserted by the Examiner does not address the assessment of attributes claimed in the present invention. Furthermore, the Walters instrument is used exclusively for selection and uses third party evaluators to candidates (applicants for schools, jobs, etc) with letters of recommendation and/or solicits feedback from questionnaires. The feedback mechanisms in the Walters invention are so varied that a standardized instrument approach could not be identified as compared to the presently claimed invention that uses multiple capability testing instruments. The Walters invention solicits feedback from third party evaluators to select applicants. In contrast, the present invention

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administers its evaluation to the respondent and cross-references the resulting assessment data to provide a comprehensive individual capability evaluation.

Responsive to the rejection of claims 4, 8, 10 and 14-16 under 35 U.S.C. 103(a) as being unpatentable over Wood in view of Walters and further in view of U.S. Patent No. 6,341,267 to Taub ("Taub"), Taub adds no further teaching or suggestion regarding the cross-referencing of attribute assessments in creating comprehensive individual capability evaluations. Therefore, Applicants submit that for the reasons stated above relating to the rejection based on Wood and Walters, this rejection has also been traversed.

For all of the above reasons, Applicants submit that claims 1-16 **are in allowable form** thereby placing the application in condition for allowance. Applicants respectfully request allowance thereof.

Should any questions concerning any of the foregoing arise, Examiner is invited to telephone the undersigned at (317) 237-0300.

In the event that Applicants have overlooked the need for an extension of time or a payment of fee, Applicants hereby conditionally petition therefore and authorize that any charges be made to Deposit Account No. 02-0390, BAKER & DANIELS.

Respectfully submitted,



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Enc. RCE Transmittal
Petition for Extension of Time
Amendment (13 pages)
Declaration of David T. Pfenninger
with attachment (17 pages)
Declaration of Daniel M. Snively
with attachments (48 pages)
Declaration of Kevin R. Erdman
with attachments (36 pages)
Check No. 383050 in the amount
of \$905.00
Return postcard

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: October 6, 2006.

Kay VanDuesen


SIGNATURE